

OFFICE OF THE MONITOR

NUNEZ, ET AL. V. CITY OF NEW YORK, ET AL.

Steve J. Martin  
Monitor

Anna E. Friedberg  
Deputy Monitor

178 Columbus Avenue, #230842  
New York, NY 10023-9998  
+1 646 895 6567 | afriedberg@tillidgroup.com

November 1, 2021

**VIA ECF**

The Honorable Laura T. Swain  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10006

**MEMO ENDORSED**

*Re: Nunez, et al. v. City of New York, et al., 11-cv-5845 (LTS) (JCF)*

Dear Judge Swain,

We write to respectfully recommend that the Court approve a modification to the Second Remedial Order (Dkt. Entry 398), ¶ 1(i)(f). This provision requires the Department to retain a consultant with expertise in the internal classification and safe housing of incarcerated persons in order to advise the Department on a strategy to safely house people in consideration of gang affiliation. The Monitor has approved the Department's selection of its consultant, James Austin. The Monitoring Team recommends that ¶ 1(i)(f) is revised for clarity to the text below.

*f. By November 12, 2021, retain a consultant who has expertise in the internal classification and safe housing of incarcerated persons, to advise the Department on a strategy to safely house people in consideration of gang affiliation. The Monitor has approved the selection of Mr. James Austin as the consultant. If Mr. Austin proves to be unavailable, or becomes unavailable or his continued service becomes unfeasible in the future, the Department will retain an appropriate replacement subject to approval of the monitor.*

The requested modification is not intended to modify any other provision in the Second Remedial Order, which otherwise remains in full force and effect. The Parties have all consented to the Monitoring Team's request.

Please do not hesitate to reach out if you have any questions.

Sincerely,

s/ Steve J. Martin

Steve J. Martin, *Monitor*

Anna E. Friedberg, *Deputy Monitor*

Christina Bucci Vanderveer, *Associate Deputy Monitor*

The foregoing request is granted and the Second Remedial Order (docket entry no. 398) is hereby modified such that paragraph 1(i)(f) thereof reads as set forth above. DE no. 414 resolved.

SO ORDERED.

11/1/2021

/s/ Laura Taylor Swain, Chief USDJ